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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were Introduced in Lok Sabha on 22nd April, 1983:—

BILL No. 45 of 1983

A Bill to provide for the management of Hindu religious places, constitution of committees for their management, qualifications and training of priests and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Pujari, Panda, Purohit Act, 1983.

Short title, extent and commencement.

(2) It extends to all the religious places and ceremonies of all sects of Hindu religion in the whole of India.

(3) It shall come into force from the date it receives the assent of the President.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Hindu religious place" means and includes Hindu temple, math, Vihar, cremation ground, ghat, etc.; and

(b) "preist" means and includes pujari, mathadeesh Dharma-charaya, Acharya, Panda, Purohit, etc.

Setting
up of
Manage-
ment
Com-
mittees.

3. (1) There shall be committees to manage the affairs of every Hindu religious place, consisting of persons belonging to the sect having control over such a religious place.

(2) There shall be a constitution containing provisions regarding membership, election of office bearers, management etc. which shall be followed by each committee.

(3) Such committee or a group of such committees shall select persons for appointment to the posts of priests for the religious place.

Qualifica-
tions of
priests.

4. (1) There shall be prescribed qualifications for appointment of priests.

(2) It shall be compulsory for a candidate for the post of priest to pass the prescribed examination.

(3) No person, who has not passed the prescribed examination, shall be selected or appointed to the post of priest, nor shall such a person conduct any religious ceremony.

Educa-
tional In-
stitution.

5. There shall be an autonomous educational institution consisting of representatives of all sects of Hindu religion, who shall control all the sects of Hindu religion, prescribe courses of studies and arrange for teaching and training in their religious places and award certificates to persons qualifying the examination.

Courses of
studies.

6. (1) Integrated courses based on basic principles and practices of all the sects of Hindu religion shall be prepared for different categories of priests in accordance with the requirements of each post.

(2) Such courses shall be conducted by the educational institution which shall also hold examinations.

Eligi-
bility for
admission.

7. (1) Any person, born in any sect of Hindu religion or who has embraced Hinduism and deems himself to be a Hindu, shall be eligible for admission to such training courses irrespective of varna, caste or sex.

(2) Educational qualification for each course shall increase accordingly.

(3) The minimum qualification for admission to the initial course shall be high school pass.

Appoint-
ments
of priests.

8. (1) All appointments to the posts of priests for religious places shall be made through competitive examinations.

(2) There shall be reserved quota in appointments to the posts of priests for the candidates belonging to Scheduled Castes, Scheduled Tribes and backward classes, which shall in no case be less than 49 per cent.

Registra-
tion.

9. (1) It shall be compulsory for every priest to get himself registered.

(2) No unregistered priest shall be eligible to conduct any religious ceremony.

Mainten-
ance of
records.

10. It shall be obligatory for every priest to maintain records of births, deaths and marriages and to furnish them every month to the respective authorities.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to eradicate mismanagement rampant in temples, maths, vihar, cremation grounds and ghats, which are under the control of various Hindu sects and to stop improper performance of ceremonies and rites by unqualified persons.

The mismanagement and immoral practices, which have crept in the above said religious institutions have shattered the faith of Hindus in regard to religious practices. The money donated by the people in the name of religion is not utilised for social purposes in a proper manner. On the other hand, misuse of money has become a matter of concern from the point of view of religious morality.

The appointment of unqualified persons in Hindu religious places and improper performance of religious ceremonies and rites by them have resulted in lowering moral effect of religion on the people. Religious ceremonies and rites are not being performed in the prescribed manner by unqualified priests. It is, therefore, necessary that the persons who perform religious ceremonies and rites should be fully qualified and trained, so that they are capable to perform such ceremonies sects of Hindus. For this purpose, required curricula should be allowed to perform religious ceremonies. At present child marriages, unmatched marriages and forced marriages are being performed by these religious priests without any information being given by them to the Government. They owe responsibility to Government. As such, the responsibility of giving information in regard to marriages, births and deaths should devolve on them. The intention behind making a provision for appointment of persons belonging to Scheduled castes, scheduled tribes and backward classes on such posts is to eradicate casteism from the Hindu society.

Hence this Bill.

NEW DELHI;
January 18, 1983.

RAJESH KUMAR SINGH

BILL NO. 39 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title.

Amend-
ment of
article 19.

1. This Act may be called the Constitution (Amendment) Act, 1983.
2. In article 19 of the Constitution, in clause (6), after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) the carrying on by a family of only one trade, occupation, profession or business which shall be located at only one place anywhere in India.”.

3. After article 38 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
38A.

“38A. The State shall take steps to ensure that—

(a) one family owns only one residential building and has only one source of income;

(b) all residential buildings and sources of income in excess of the ceiling fixed under clause (a) shall be acquired by the Government and distributed among those who have no residential accommodation or source of income.”.

Ceiling
on owner-
ship of
residen-
tial
buildings
and
sources
of income.

4. In article 366 of the Constitution, after clause (10), the following clause shall be inserted, namely:—

Amend-
ment of
article
366.

“(10A) “family” means husband, wife and minor children;”.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India aims at the setting up of a Socialist Democratic Republic. But it has not been achieved in spite of the efforts made during the last 33 years. On the contrary, our existing economic set-up has resulted in further widening the gap between the rich and the poor and has failed to establish a classless society. Rich people are becoming richer and the common man is being deprived of the resources. As such, so long as the present inequitable economic system continues, it will not be possible to achieve the objectives enshrined in the Constitution.

The Bill seeks to achieve these objectives for the reasons stated above.

NEW DELHI;
March 3, 1983.

HIRALAL R. PARMAR

BILL NO. 42 OF 1983

A Bill to provide for the prevention of formation of regional political parties.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Formation of Regional Political Parties Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and
com-
mence-
ment.

2. In this Act, "a regional political party" means a political party whose activities are confined only to any region or State or which adopts the name of a particular region or State of the Indian Union and does not extend its activities to other States or regions.

Defini-
tion.

Organisations to seek permission of the Government for launching a political party.

3. Every organisation which calls itself a political organisation or intends to launch a new political party shall seek the permission of the Central Government for functioning as a political organisation or before launching the new political party.

Organisations applying for permission to submit their manifestoes of activities.

4. An organisation or political party seeking the permission of the Government, as required under section 3, shall submit a manifesto indicating its sphere of activities and specify, in clear terms, whether its activities will be confined to any particular region or State or extend to other States and regions or to the whole of the country.

Government not to permit the formation of a regional party.

5. After the commencement of this Act, the Central Government shall not grant permission to function to any organisation or political party whose activities will be confined to a particular region or State.

No reserved symbol to be allotted to a regional party.

6. The Election Commission shall not allot any reserved symbol to any regional political party which applies for such a symbol while contesting elections to the legislature of a State.

Power to make rules.

7. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The formation of regional political parties has been found to be a threat to the integrity of the nation and runs counter to the concept of promoting national integration.

During the thirty five years since the attainment of Independence, regionalism has raised its ugly head in many parts of the country. Regionalism encourages parochialism and linguism and interested parties misguide the people and make them forget the larger interests of the nation. The language riots on the borders of Karnataka, the agitations launched a few months back in Goa and regional problems raised in Punjab are only a few examples of regional chauvinism.

In the larger interests of the nation, it is necessary to curb the formation of regional parties and abolish those which have already been formed. Regional parties weaken the Centre and create instability in the country. There should function only recognised national all-India political parties which work for the larger interests of the nation.

Hence this Bill.

NEW DELHI;
March 11, 1983.

K. LAKKAPPA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 46 OF 1983

A Bill to make home-guard training compulsory for all able-bodied persons.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title,
extent
com-
mence-
ment.

1. (1) This Act may be called the Compulsory Home-Guard Training Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Com-
pulsory
home
guard
Training
for all
able-
bodied
persons.

2. Home-guard training for a period of not less than one year shall be compulsory for all able-bodied persons who have attained the age of eighteen years and not crossed the age of twenty-one years:

Provided that persons enrolled in the Territorial Army, the Border Security Force, the Central Reserve Police Force, the Central Industrial Security Force, the Indo-Tibetan Border Police or any other para-military force, shall be exempted from the provisions of this section.

Scheme
to estab-
lish insti-
tutions.

3. The Central Government shall formulate a scheme to establish necessary institutions to give effect to the provisions of section 2.

STATEMENT OF OBJECTS AND REASONS

Home-guard training instils a sense of discipline and develops mental robustness and physical fitness in the youth and prepares them for better citizenship. It also enables the State to draft the youth as a second line of defence in times of threats to the security of the country and for relief operations during the national calamities like floods, cyclones, earth-quakes, famines, etc.

No doubt there is provision for N.C.C. training in some schools and colleges but the scheme in operation is neither comprehensive nor compulsory for the students.

The country needs a comprehensive scheme under which all able-bodied persons should undergo home-guard training for a specified period, before they take up their respective vocations.

Hence this Bill.

NEW DELHI;
March 15, 1983.

VIDYA CHENNUPATI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for introducing compulsory home-guard training to all able bodies persons. Clause 3 provides for establishment of several institutions for imparting home-guard training. These institutions have to be provided with necessary equipment.

The recurring expenditure for the scheme may be to the tune of Rs. 10 crores per annum from the Consolidated Fund of India.

The scheme is also likely to involve a non-recurring expenditure of Rs. 10 crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for formulating a scheme for imparting compulsory home-guard training to all able-bodied persons. The scheme has to be administered by the Government of India. The delegation of legislative power is of a normal character.

BILL No. 43 OF 1983

A Bill to provide for compulsory vocational education in educational institutions.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Vocational Education Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) There shall be two vocational subjects in the secondary school level course under the ten plus two system of education.

(2) The two vocational subjects shall be compulsory for all students and no secondary school certificate shall be awarded to any student unless he passes in those two subjects.

Short
title,
extent
and
com-
mence-
ment.

Compu-
sory
voca-
tional
subjects
at
secon-
dary
school
level.

Compulsory vocational subject in colleges.

3. There shall be at least one compulsory vocational subject in every degree course offered by a college and every student shall have to pass in that subject before a degree is awarded to him.

Restriction on opening of certain educational institutions.

4. After the commencement of this Act, the Government shall not permit the establishment of new high schools and colleges which offer courses only in humanities and social sciences.

Government to establish technical schools and colleges.

5. The Government shall establish throughout the country, themselves or through private bodies, new technical schools and colleges offering technical and vocational education.

Power to make rules.

6. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our educational institutions, both schools and colleges, are producing certificate holders and graduates year after year in lakhs and most of them after completing their courses find themselves unemployed. They have no useful vocation to follow by themselves. They often get frustrated in life and their energies are diverted to destructive activities like agitations, strikes and the like.

To this problem technical and vocational education is the only answer. Vocational education should form a compulsory part in the courses of schools and colleges so that the candidates after completing their courses can get useful employment in industrial establishments or through self-employment and earn their livelihood, without look for white collar jobs.

Hence this Bill.

NEW DELHI;
March 15, 1983.

VIDYA CHENNUPATI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that two vocational subjects shall be compulsorily taught at the secondary school level. Clause 3 provides that at least one vocational subject shall be compulsorily taught in colleges. Clause 5 provides that the Government shall establish more schools and colleges imparting technical and vocational education. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees one hundred crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 50 OF 1983

A Bill to amend the Equal Remuneration Act, 1976.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Equal Remuneration (Amendment) Act, 1983.

Short
title.

25 of 1976.

2. In section 10 of the Equal Remuneration Act, 1976 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 10.

(i) in sub-section (1), for the words “he shall be punishable with fine which may extend to one thousand rupees.”, the words “he shall be punishable with imprisonment which shall not be less than five years but which may extend to fifteen years and shall also be liable to fine which shall not be less than fifteen thousand rupees.” shall be substituted;

(ii) in sub-section (2), for the words “he shall be punishable with fine which may extend to five thousand rupees.”, the words “he shall be punishable with imprisonment which shall not be less than five years but which may extend to fifteen years and shall also be liable to fine which shall not be less than twenty-five thousand rupees.” shall be substituted;

(iii) in sub-section (3), for the words "with fine which may, extend to five hundred rupees.", the words "with fine which shall not be less than ten thousand rupees." shall be substituted;

(iv) after sub-section (3) the following sub-section shall be inserted, namely:—

"(4) If, after the commencement of this Act, any employer maintains—

(a) different grades of wages for men and women workers;

(b) different criteria for distribution of job among men and women workers;

(c) different standards for men and women workers regarding—

(i) retrenchment,

(ii) termination,

(iii) dismissal,

(iv) promotion,

(v) making temporary hands as permanent or the like,

it shall be considered discriminatory and he shall be punishable with imprisonment which shall not be less than five years but which may extend to fifteen years and shall also be liable to fine which shall not be less than five thousand rupees but which may extend to fifteen thousand rupees."

Amend-
ment of
section 11.

3. In section 11 of the principal Act, in sub-section (1), the proviso shall be omitted.

Amend-
ment of
section 12.

4. In section 12 of the principal Act,—

(i) in sub-section (2), the following words shall be inserted at the end, namely:—

"or upon a complaint made by the registered trade unions of the establishment.";

(ii) in sub-section (3), the following words shall be inserted at the end, namely:—

"and in case the complaint is not made within three months, the registered trade unions of the establishment shall be competent to make the complaint."

STATEMENT OF OBJECTS AND REASONS

The Equal Remuneration Act, 1976 was enacted to give effect to the provisions of article 39 of the Constitution, which envisages that the State shall direct its policies, among other things, towards securing equal pay for equal work, both for men and women. But after seven years of its enactment, it is seen in practice that the employers are bypassing the provisions of the Act, taking advantage of the extreme unemployment situation that is prevailing in the country. This needs extreme penal provisions with exemplary penalties for the defaulters.

Hence this Bill.

NEW DELHI;

March 17, 1983.

SUSEELA GOPALAN

AVTAR SINGH RIKHY,
Secretary.

